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09/705,393	11/02/2000	Jeffrey W. Dlott	005112.P004	7987

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,393

Applicant(s)

DLOTT

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 16-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3627

Applicant's election with traverse of the restriction in Paper No. 4 is acknowledged. The traversal is on the ground(s) that it alleges that the alternative uses presented by the Examiner is not viable. First Applicant has failed to provide a cited to his cannot be accomplished or is not reasonable quote. However, the examiner suspects that this standard is applied for circumstances other than a restriction requirement. Nonetheless, there are clearly viable alternate uses set forth by the Examiner in the restriction and applicant has not given any evidence as to how there examples are not viable. Applicant argues that because the named application is drawn to agricultural data, the system cannot serve other purposes such as stolen car monitoring, car rental returns or music medium. However, given the state of the art in computer systems these days there is a clear ability in these systems to store information for plural applications, and thus the systems are neither destroyed or made unviable by the addition of a new application to them.

The requirement is still deemed proper and is therefore made FINAL.

Claims 16-36 are thus withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montanari et al. in view of Kim.

Montanari et al. disclose receiving at a management information system a request for product information, the request including a product identifier (col. 17 lines 146 et seq discloses P/R-TN identification used to get information from database); accessing a product record, identified using the agricultural product identifier, at the management information system, the agricultural product record including agricultural product data collected along a chain of custody of the agricultural product ( P-TN will permit id of all information relative to purchase fabrication, feeding); and communicating the agricultural product data responsive to the request (col. 17, lines 54,55- consumer is contacted and given a detailed report of the product's origin and processing. However, the Montanari et al. patent does not disclose tracking agricultural products, but Kim does. It would therefore be obvious to modify Montanari et al. to use it s system to track agricultural products the motivation for which would be to make crops safer to eat.

Re claim 2: Kim discloses a site address for the product which ultimately renders a location identifier for a unit of production of the agricultural product.

Reclaims 3, 4, 10: Both Kim at col.87 lines 3-11 disclose computer networks including internet and LAN servers.

Re claim 5 c See Montanari et al. col. 10, lines 19-27 for pre-production, production, environmental, processing, distribution information.

Re claims 6/7/8: see col. 12 lines 20-21 for state inspection recordation which is a form of accreditation.

Re claim 9: the record in Montanari et al. created by the conformation information col. 12, lines 6 et seq. is read as markup language document including the agricultural product data.

Re claim 11: Montanari et al. col.11 57-59 discloses a telephonic device.

Re claim 12. the A-TN in Montanari et al. is inputted as of the product identifier into the communications device phone lines.

Re claims 13-15: see Montanari et al. see col. 9 29-36 for various machine readable codes used in Montanari et al.

Art Unit: 3627

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

*Joseph A. Fischetti*  
*Primary Examiner*  
*3627*